

Message Text

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ACTION AF-07

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FM AMEMBASSY LOME

TO SECSTATE WASHDC IMMEDIATE 8530

INFO AMEMBASSY ABIDJAN

AMEMBASSY ACCRA

AMEMBASSY COTONOU

AMEMBASSY DAKAR

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DEPT PASS TO OPIC FOR MRS HENDERSON

FOR AF/W - MICHAEL WALTER

E.O. 11652: N/A

TAGS: OPIC, TO

SUBJ: EMBASSY COMMENTS ON LADD-MCCLELLAND REPORT

REF: HENDERSON-RAWLS LTR NOV 7, 1974

1. REF LTR RECEIVED WITH COPY SUBJECT REPORT NOVEMBER 18. AMBASSADOR HAS IDENTIFIED SEVERAL POINTS WHICH NEED CLARIFICATION, CORRECTION OR DELETION. EMBASSY STUDYING REPORT CAREFULLY AND REQUESTS OPIC WITHOLD DRAFT FROM PRINTER PENDING ADDITIONAL EMBASSY COMMENTS, TO BE CABLED BEFORE END OF THIS WEEK.

2. MOST SERIOUS OBJECTION IS WITH SECTION V.3 INVESTMENT CLIMATE, PP. 36-37. EMBASSY INVITES OPIC'S ATTENTION TO POLITICAL SENSITIVITY OF STATEMENTS THIS SECTION WHICH, WHILE VALID, ARE HIGHLY INAPPROPRIATE FOR PUBLICATION IN USG-SPONSORED REPORT. EMBASSY MUST INSIST THAT WHOLE FIRST PARAGRAPH BE REPLACED AS LIMITED OFFICIAL USE

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ALONG FOLLOWING LINES: "SINCE CLOSING OF NATIONAL ASSEMBLY AND

SUSPENSION OF COMPETING POLITICAL PARTIES IN JANUARY 1967, TOGO HAS BECOME ONE-PARTY STATE GOVERNED BY STRONG, HIGHLY CENTRALIZED-EXECUTIVE POWER. PRESIDENT, WHO IS ALSO CHIEF OF STATE, PRESIDENT-FOUNDER OF RASSEMBLEMENT DU PEUPLE TOGOLAIS (SOLE POLITICAL PARTY) MINISTER OF DEFENSE AND CHIEF OF STAFF OF ARMED FORCES, EXERCISES MUCH OF THIS EXECUTIVE POWER IN PERSON. THERE IS NO PROCESS OF JUDICIAL REVIEW OF EXECUTIVE ACTIONS, WHICH GIVES PRESIDENT ACD HIS GOVERNMENT VIRTUALLY UNLIMITED POWER WITHIN TOGO.

"EXTENT OF DISCRETIONARY POWER OF GOVERNMENT IS WELL ILLUSTRATED IN ITS PURSUIT OF POLICY OF ECONOMIC NATIONALISM. IN JANUARY 1974, PRESIDENT RENOUNCED 1957 AGREEMENT WITH CTMB ACD UNILATERALLY INCREASED GOVERNMENT'S SHAREHOLDING TO 51 PERCENT. SHORTLY THEREAFTER HIS PRESIDENTIAL PLANE CRASHED; SEVERAL PERSONS WERE KILLED, BUT HE HIMSELF ESCAPED WITH MINOR INJURIES. PUBLICLY BLAMING CRASH ON FOREIGN OWNERS OF CTMB, PRESIDENT THEN NATIONALIZED THEIR REMAINING 49 PERCENT SHAREHOLDING.

"NEVERTHELESS, IN ORDER TO PRESERVE ITS REPUTATION IN INTERNATIONAL BUSINESS CIRCLES, TOGOLESE GOVERNMENT QUIETLY NEGOTIATED PROMPT SETTLEMENT WITH THE SHAREHOLDERS, WHICH WAS FAIR AND ADEQUATE. DESPITE DOMESTIC POLITICAL USE WHICH IS STILL BEING MADE OF PLANE CRASH CIRCUMSTANCES, GOVERNMENT OF TOGO PROFESSES IT IS STILL DEFINITELY INTERESTED IN ATTRACTING FOREIGN INVESTMENT."

3. SECOND PARA SAME SECTION SHOULD BE CROSS-CHECKED WITH ASHLAND OIL; EMBASSY BELIEVES COMPANY MAY HAVE SPENT DOLS 5 MILLION IN TOGO, BUT NO LONGER HAS ANY INVESTMENT IN COUNTRY. IN ADDITION ROMES, THERE ARE TWO OTHER OIL COMPANY INVESTMENTS WHICH SHOULD BE INCLUDED. DETAILS TO FOLLOW.

4. SIMILARLY, IN PREFACE, PAGE THREE, SUGGEST OPIC CONSIDER FOLLOWING LANGUAGE TO REPLACE END OF PARA FOUR, BEGINNING "THE DAYS OF THE GREAT LEADERS..." AND ENDING "...ALWAYS IN MIND":

"THE GENERATION OF GREAT LEADERS LIKE HOUPHOUET-BOIGNY AND SENGHOR WHO BROUGHT THEIR COUNTRIES THROUGH THE TRANSITION TO INDEPENDENCE IS GRADUALLY BEING REPLACED BY A YOUNGER GENERATION OF LEADERS WHOSE CAPABILITIES ARE NOT YET FULLY KNOWN AND WHOSE LIMITED OFFICIAL USE

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STATUTE IS YET TO BE ESTABLISHED."

5. IN SAME VEIN, SUGGEST PARA FIVE BE REPLACED WITH:

"POTENTIAL INVESTORS WOULD BE WELL ADVISED TO KEEP IN MIND THAT STRONG PERSONAL RULE IN COUNTRIES WITHOUT A DEMOCRATIC PARLIAMENTARY TRADITION OR AN INDEPENDENT JUDICIARY OFTEN MEANS GOVERNMENT BY AN ALL-POWERFUL EXECUTIVE WITH A FEW CONSTITUTIONAL

OR JURIDICAL LIMITS ON ITS FREEDOM OF ACTION."
RAWLS

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